

MP1509

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. _____

Application No.: 10/812,626
Filing Date: March 29, 2004
Appellants: Bradley C. Aldrich et al.
Conf. No.: 3477
Group Art Unit: 2625
Examiner: Iriana Cruz
Title: LOOK-UP TABLE FOR TRANSFER FUNCTION
Attorney Docket: MP1509

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December 7, 2010

REPLY BRIEF

Pursuant to 37 CFR 1.193(b)(1), Applicant responds to the new points raised in the Examiner's Answer mailed October 7, 2010, as follows:.

I. STATUS OF THE CLAIMS

Claims 1-18, 24-27, and 32-34 are pending and stand rejected.

Claims 19-23 and 28-31 are cancelled.

Appellants appeal the rejection of claims 1-18, 24-37, and 32-24.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants seek the Board's review of:

- (a) whether claims 1-11, 24-27, and 32-34 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,600,574 ("Reitan") in view of U.S. Pub. No. 2005/0057303 A1 ("Leffel").
- (b) whether claim 11 is unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,600,574 ("Reitan") in view of U.S. Pub. No. 2002/0030751 A1 ("Takane").
- (c) whether claim 12-18 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,600,574 ("Reitan") in view of U.S. Pub. No. 2002/0030751 A1 ("Takane") and in further view of U.S. Pub. No. 2005/0057303 A1 ("Leffel").

III. RESPONSE TO EXAMINER'S ANSWER**A. Rejection under 35 U.S.C. § 103(a) over U.S. Pat. No. 5,600,574 ("Reitan") in view of U.S. Pub. No. 2005/0057303 ("Leffel")****1. Claims 1-11, 24-27 and 32-34**

As stated in the Appeal Brief, claim 1 recites that, based on the curvature of a transfer function, sample inputs are distributed so that more sample inputs are associated with a first region of the transfer function than a second region of the transfer function.

The Examiner continues to maintain that "Reitan samples within a region of interest based on the curvature of a transfer function to avoid the majority of samples to be taken from the region belonging to the curve of the transfer function." (See Page 13 of the Examiner's Answer mailed October 28, 2010, hereinafter "the Examiner's Answer").

Appellants respectfully disagree and note that Reitan discloses “regions of interest” in the actual image “defined within bar spacing regions so that the region of interest stays completely within these features.” (See Column 18, Lines 20-30). In other words, Reitan discloses locating a specific region of the image (i.e., the regions of interest) to be sampled and populating a look up table accordingly. As such, sample inputs are distributed based on this “region of interest” of the image, not a curvature of a transfer function.

The Examiner further maintains that “Reitan on Figure 6, 8 and 9 shows sampling done to target a specific region in order to avoid the curvature/nonlinearities of the transfer function,” and alleges that FIG. 6 shows “the actual sampled input region” of a “transfer function” of FIG. 8. (See Page 13 of the Examiner’s Answer).

Appellants respectfully submit that Reitan fails to disclose this suggested relationship between FIGS. 6 and 8. For example, FIG. 6 represents a “step wedge reference image” for a gray-scale reference image and specifies “the inch-wise locations of the steps and the absolute 12-bit pixel values for the optical density at each step.” (See Column 11, Lines 18-25 of Reitan).

In contrast, FIG. 8 illustrates calibrated optical density (OD) values corresponding to various measured OD values (MMOD). The Examiner alleges that while FIG. 8 illustrates values of OD up to 4.5, FIG. 6 only illustrates values of OD up to 3.6 “because the transfer function is no longer linear.” Appellants respectfully submit that this allegation is completely unsupported in Reitan. For example, Reitan discloses that the maximum density is “at least 3.6 OD.” (See Column 16, Lines 20-22). Reitan does not disclose that maximum density is limited to 3.6 OD, or that illustrating steps only up to 3.6 OD in FIG. 6 has any relationship whatsoever to FIG. 8 as the Examiner suggests.

Further, Appellants respectfully submit that despite the Examiner referring to the graph in FIG. 8 as a transfer function, Reitan does not appear to disclose that FIG. 8 illustrates a transfer function. Instead, as best understood by Appellants, FIG. 8 merely

represents measured OD values (MMOD) vs. calibrated OD values. (See Column 22, Lines 20-28).

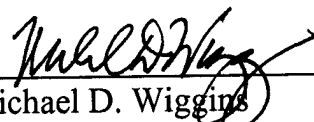
CONCLUSION

Appellants respectfully request the Board to reverse the Examiner's rejection of the claims on appeal.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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